

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 686 (Berman)
Version: June 9, 2026
Hearing Date: June 30, 2026
Fiscal: No
Urgency: No
AWM

SUBJECT

Elections: deceptive audio or visual media

DIGEST

This bill extends the sunset date – from January 1, 2027 to January 1, 2031 – for the law prohibiting a person, committee, or other entity from distributing materially deceptive audio or visual deepfakes of a candidate for election with actual malice and the intent to injure the candidate’s reputation or to deceive a voter into voting for or against the candidate within 60 days of an election at which a candidate for elective office will appear on the ballot, as specified, and unless certain conditions are met.

EXECUTIVE SUMMARY

Certain forms of media—audio recordings, video recordings, and still images—can be powerful evidence of what truly took place. While such media have always been susceptible to some degree of manipulation, until recently, fakes were relatively easy to detect. Generative AI now makes it cheap and easy to create deepfake video and images that are so realistic that they are virtually impossible to distinguish from the real thing. In the context of election campaigns, such deepfakes can be weaponized to deceive voters into thinking that a candidate said or did something which the candidate did not.

In an attempt to prevent deepfakes from altering the outcome of an election in this way, California enacted laws in 2019 that (1) restrict the use of deepfakes within 60 days of an election unless the image includes a disclaimer that the image was manipulated, and (2) provide impacted candidates with a legal mechanism for trying to prevent deepfakes from circulating during that time period. Those laws are currently set to expire on January 1, 2027. This bill extends the sunset date for these laws to January 1, 2031.

This bill is sponsored by the author. The Committee has not received timely opposition to this bill. The Senate Elections and Constitutional Amendments Committee is set to hear this bill on the morning of this Committee's hearing.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Defines "materially deceptive audio or visual media" as an image or an audio or video recording of a candidate's appearance, speech, or conduct that has been intentionally manipulated in a manner such that both of the following conditions are met:
 - a) The image or audio or video recording would falsely appear to a reasonable person to be authentic.
 - b) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive content of the image or audio or video recording than that person would have if the person were hearing or seeing the unaltered, original version of the image or audio or video recording. (Elec. Code, § 20010(e) (Section 20010).)
- 2) Prohibits a person, committee, or other entity from distributing with actual malice materially deceptive audio or visual media of a candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate within 60 days of an election at which a candidate for elective office will appear on the ballot, as specified and unless specified conditions are met. (Elec. Code, § 20010(a).)
- 3) Exempts from the prohibition in 2) audio or visual media that includes a disclosure stating "This _____ has been manipulated," with the blank in the disclosure to be filled with a term that most accurately describes the media, as specified, and subject to the following:
 - a) For visual-only media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media; if the visual media does not include any other text, then the disclosure shall appear in a size that is easily readable by the average viewer; and if the visual media is video, the disclosure must be displayed throughout the duration of the video.
 - b) For audio-only media, the disclosure must be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each. (Elec. Code, § 20010(b).)

- 4) Permits a candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of the provisions of 2) and 3), above, to seek injunctive or other equitable relief prohibiting the distribution of audio or visual media in violation of the provisions of this bill. (Elec. Code, § 20010(c)(1).)
- 5) Requires the courts to give precedence to an action under 4), above. (Code Civ. Proc., § 35; Elec. Code, § 21101(c)(1).)
- 6) Permits a candidate for elective office whose voice or likeness appears in materially deceptive audio or visual media distributed in violation of the provisions of this bill to bring an action for general or special damages against the person, committee, or other entity that distributed the materially deceptive audio or visual media, as specified; the plaintiff bears the burden of establishing the violation through clear and convincing evidence in any civil action alleging a violation of the provisions of this bill, as specified. (Elec. Code, § 21101(c)(2).)
- 7) Provides that 2) through 6), above, do not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts materially deceptive audio or visual media prohibited by this bill as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the materially deceptive audio or visual media. (Elec. Code, § 20010(d)(2).)
- 8) Provides that the requirements relating to materially deceptive audio or visual media do not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast materially deceptive audio or visual media. (Elec. Code, § 20010(d)(3).)
- 9) Exempts a website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes materially deceptive audio or visual media prohibited by the provisions of this bill, from the disclosure requirements if the broadcast or publication clearly states that the materially deceptive audio or visual media does not accurately represent the speech or conduct of the candidate. (Elec. Code, § 20010(d)(4).)
- 10) Provides that 2)-9) shall not be construed to alter or negate any rights, obligations, or immunities of an interactive service provider under the federal Communications Decency Act. (Elec. Code, § 20010(d)(1).)

11) Provides that the provisions of 2)-9) do not apply to materially deceptive audio or visual media that constitutes satire or parody. (Elec. Code, § 20010(d)(5).)

12) Provides that 1)-11) are repealed as of January 1, 2027. (Code Civ. Proc., § 35; Elec. Code, §20010.)

This bill extends the sunset date on the above provisions to January 1, 2031.

COMMENTS

1. Author's comment

According to the author:

The world has changed a lot since I first authored my original legislation to regulate election deepfakes in 2019. Not only is it easier than ever to create deepfakes due to the advancements of artificial intelligence, but we are seeing deepfakes used increasingly to blur the line between truth and fiction, misleading voters. That's why this law continues to be essential in protecting voters from being tricked and influenced by manipulated videos, audio recordings, or images. AB 686 would extend the sunset date of the law from January 1, 2027, to January 1, 2031, thereby ensuring that California law continues to dissuade the creation and distribution of nefarious election-related deepfakes and other manipulated content.

2. This bill extends the sunset on California's law requiring maliciously distributed digitally manipulated campaign materials to be labeled as such

This Committee is well familiar with the problem posed by deepfakes. The issue was already pressing in 2019, when the Legislature enacted Section 20010, which requires materially deceptive campaign images, video, and audio, distributed with the intent to injure the candidate or deceive a voter, be accompanied by a warning to that effect when published within 60 days of the election.¹ The issue was even more pressing in 2022, when the Legislature extended the sunset on those requirements to January 1, 2027.² And the issue is even more pressing today.

This bill extends the sunset on the existing provisions requiring materially deceptive audio or visual media, distributed with actual malice and with the intent to injure the candidate's reputation or to deceive voters, until January 1, 2031. The legal landscape with respect to Section 20010 and the First Amendment to the United States Constitution has not changed since the last time this Committee considered a sunset extension, so that analysis and the issues discussed therein are incorporated herein by reference.

¹ See AB 730 (Berman, Ch. 493, Stats. 2019).

² AB 972 (Berman, Ch. 745, Stats. 2022).

The only additional matter that bears mentioning is that the Legislature, in 2024, attempted to go further in its fight against election deepfakes. That year, the Legislature enacted AB 2839 (Pellerin, Ch. 262, Stats. 2024), which imposed additional, and more specific, restrictions and labeling requirements on advertisements and other elections communications containing materially deceptive depictions of a candidate.³ AB 2839 is now the subject of an ongoing legal challenge, and in 2025, the United States District Court for the Eastern District of California found, on the basis of the plaintiffs' as-applied challenge, that the law did not satisfy a strict scrutiny analysis under the First Amendment.⁴ The court did not invalidate the law as to all parties, however, but rather enjoined enforcement of the law only as to the named plaintiffs.⁵ The case is now pending on appeal in the United States Court of Appeals for the Ninth Circuit.

While the court's ruling on AB 2893 could cause concerns with respect to legislation going beyond the bounds of Elections Code Section 20010, there does not appear to be any reason to believe that Section 20010 itself is also at risk.

SUPPORT

None received

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 502 (Pellerin, 2025) modifies provisions of the disclosure requirement established in AB 2839 (Pellerin, Ch. 262, Stats. 2024). AB 502 is on the Senate Inactive File.

Prior legislation:

AB 2839 (Pellerin, Ch. 262, Stats. 2024) is discussed in Comment 2 of this analysis.

AB 972 (Berman, Ch. 745, Stats. 2022) extended the sunset on the provisions in this bill from January 1, 2024, to January 1, 2027.

AB 730 (Berman, Ch. 493, Stats. 2019) enacted the manipulated campaign image requirements and prohibitions at issue in this bill, with a January 1, 2023, sunset date.

PRIOR VOTES

This bill was substantially gutted and amended on June 9, 2026, and therefore all prior votes are irrelevant.

³ See Elec. Code, § 20012.

⁴ *Kohls v. Bonta* (E.D. Cal. 2025) 797 F.Supp.3d, 1177.

⁵ *Id.* at p. 1192.